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In re Application of
Ulrich et al.
Application No. 08/882,431
Filed: June 25, 1997
Attorney Docket No. 003/037/SAP

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2000, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply properly to the final Office action mailed July 19, 1999, which set a period for reply of 3 months. Petitioners filed a two month extension of time with the required fee and an amendment after final on December 16, 1999. As explained in the January 14, 2000 Advisory Action, the December 16, 1999 amendment after final did not place this application in prima facie condition for allowance. Accordingly, this application became abandoned on December 20, 1999. A Notice of Abandonment was mailed on March 2, 2000.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

This application is being revived for purposes of continuity with the CPA filed May 5, 2000.

Pursuant to petitioners' authorization, Deposit Account No. 21-0380 was charged \$690.00 for the utility filing fee for the CPA, \$312.00 for the independent claims in excess of three, and \$1,422.00 for the claims in excess of twenty.

The application file is being forwarded to Technology Center 1600 for processing the CPA and consideration of the Preliminary Amendment, filed May 5, 2000.

Telephone inquiries concerning this matter may be directed to E. Shirene Willis at (703) 308-6712.

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